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C&S Wholesale Grocers, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(PORTLAND DIVISION)

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendant.

Civil No. 3:24-cv-000347-AN

**REQUEST FOR REFUND OF
FEES PAID ELECTRONICALLY**

The following filing fee refund request is made pursuant to the procedures set forth in Standing Order 2011-9 for refunding erroneous or duplicate electronic filing fee payments. The reason for and amount of the refund request are as follows: A duplicate filing fee in the amount of \$300 for Steve Holley's PHV was paid.

The filing fee was paid by a credit card issued to the following individual:

Stephen Paul
1700 New York Avenue, NW

Request for Refund of Fees Paid Electronically 1
[Rev. 01/2018]

Washington, D.C. 20006
(202) 956-7563

Attached hereto is supporting documentation including a copy of the electronic payment receipt and a copy of the Notice of Electronic Filing (NEF) from the system transaction in CM/ECF during which the payment was made.

Dated: September 6, 2024.

By: /s/Christopher J. Pallanch
Christopher J. Pallanch, OSB No. 075864
Direct: 503.802.2104
Email: christopher.pallanch@tonkon.com

08/23/2024	402	Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Steven Holley. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-9547320. Filed by C&S Wholesale Grocers, LLC. (Holley, Steven) (Entered: 08/23/2024)
08/23/2024	403	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Pretrial Conference held on 8/23/2024 before Judge Adrienne Nelson, Court Reporter Bonita J. Shumway, telephone number (503)326-8188 or bonita_shumway@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER. See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 8/30/2024. Redaction Request due 9/13/2024. Redacted Transcript Deadline set for 9/23/2024. Release of Transcript Restriction set for 11/21/2024. (Shumway, Bonita) (Entered: 08/23/2024)
08/23/2024	404	ORDER: Non-parties Costco Wholesale Corporation, J.M. Smucker Company, and Ahold Delhaize USA, Inc.s Unopposed Motions to Permit Remote Testimony, ECF 391 , 395 , 397 , are GRANTED. Witnesses Sarah George, Robert Crane, and Matthew Yates are permitted to testify via remote video at the preliminary injunction hearing scheduled to begin on August 26, 2024. Ordered by Judge Adrienne Nelson. (joha) (Entered: 08/23/2024)
08/23/2024	406	MINUTES OF PRE-HEARING CONFERENCE: Pre-hearing matters discussed as stated on the record. Order to follow. Hearing on pre-hearing matters is set to commence on August 26, 2024 at 8:30 a.m. in Portland Courtroom 14A before Judge Adrienne Nelson. Preliminary injunction hearing (14 days) is set to commence on August 26, 2024 at 9:00 a.m. in Portland Courtroom 14A before Judge Adrienne Nelson. Susan Musser, Laura Hall, Charles Dickinson, Rohan Pai, and Barrett Anderson present as counsel for plaintiff Federal Trade Commission. Christopher Kayser present as counsel for plaintiff State of Oregon. Brian Yost present as counsel for plaintiff State of Illinois. Jeff Herrera present as counsel for plaintiff State of New Mexico. William Young present as counsel for plaintiff State of Wyoming. Lucas Tucker present as counsel for plaintiff State of Nevada. Estefania Torres Paez present as counsel for plaintiff District of Columbia. Nicole Gordon present as counsel for plaintiff State of California. Byron Warren present as counsel for plaintiff State of Maryland. Jayme Weber present as counsel for plaintiff State of Arizona Matthew Wolf, B. John Casey, Sonia Pfaffenroth, Mark Perry, Bambo Obaro, and Luna Barrington present as counsel for defendant Kroger Company. Enu Mainigi, David Angeli, Beth Stewart, Joshua Podall, Jonathan Pitt, Thomas Ryan, and William Ashworth present as counsel for defendant Albertsons Companies, Inc. Court Reporter: Bonita Shumway. Judge Adrienne Nelson presiding. (joha) (Entered: 08/25/2024)
08/24/2024	405	Request for Refund of Fees Paid Electronically regarding Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Brian K. Grube. Filing fee in the amount of \$300 collected; Agency Tracking ID: AORDC-9540449 291 . Filed by J.M. Smucker Company. (Attachments: # 1 Attachment, # 2 Attachment, # 3 Attachment) (Grube, Brian) (Entered: 08/24/2024)
08/25/2024	407	PRE-HEARING ORDER. Signed on August 25, 2024 by Judge Adrienne Nelson. (joha) (Entered: 08/25/2024)
08/25/2024	408	ORDER ON NONPARTY MOTIONS TO SEAL EXHIBITS. Signed on August 25, 2024 by Judge Adrienne Nelson. (joha) (Entered: 08/25/2024)
08/26/2024		Clerk's Review of Motion for Leave to Appear <i>Pro Hac Vice</i> . <i>Pro Hac Vice</i> admission requested by attorney Steven Holley. Filing fee in the amount of \$300 collected; Agency

		Tracking ID: AORDC-9547320 402 : Reviewed and Ready for Ruling. (dino) (Entered: 08/26/2024)
08/26/2024	409	ORDER: Granting Motion for Leave to Appear <i>Pro Hac Vice</i> 402 . Ordered by Judge Adrienne Nelson. (joha) (Entered: 08/26/2024)
08/26/2024	410	A duplicate payment in the amount of \$300.00 was submitted by C&S Wholesale Grocers, LLC in the above-referenced case. For information on refund procedures, visit Requesting a Refund of Electronically Paid Fees on the Court's website. Refund Request is Due 9/5/2024. (nd) (Entered: 08/26/2024)
08/26/2024	411	Exhibits <i>Filed Under Seal</i> re Unopposed Motion to File Document Under Seal Evidentiary Hearing Exhibits (DOCUMENT FILED UNDER SEAL) 312 , (DOCUMENT FILED UNDER SEAL) . Filed by Ahold Delhaize USA, Inc.. (Attachments: # 1 Exhibit A - DX 0239, # 2 Exhibit B - PX3424; DX 0247, # 3 Exhibit C - DX 0240, # 4 Exhibit D - DX 0244, # 5 Exhibit E - DX 0243, # 6 Exhibit F - DX 0241) (Hahm, Kevin) (Entered: 08/26/2024)
08/26/2024	412	Notice <i>Supplemental Statement re: Sealed Exhibits</i> Filed by Sprouts Farmers Market, Inc.. (Greenberg, Benjamin) (Entered: 08/26/2024)
08/26/2024	413	Stipulation and Order Regarding the Scope of the Record by Federal Trade Commission. Filed by Federal Trade Commission. (Musser, Susan) (Entered: 08/26/2024)
08/26/2024	418	MINUTES OF FIRST DAY OF PRELIMINARY INJUNCTION HEARING: Opening statements presented by the parties. Witnesses Peter Van Helden, Anthony Silva, and Andrew Groff sworn and examined. Exhibits offered and received. Court will be in recess until August 27, 2024 at 9:00 a.m. Susan Musser, Laura Hall, Charles Dickinson, Rohan Pai, Barrett Anderson, Joshua Smith, and Elizabeth Arens present as counsel for plaintiff Federal Trade Commission. Christopher Kayser and Tim Nord present as counsel for plaintiff State of Oregon. Paul Harper present as counsel for plaintiff State of Illinois. Jeff Herrera present as counsel for plaintiff State of New Mexico. William Young present as counsel for plaintiff State of Wyoming. Lucas Tucker present as counsel for plaintiff State of Nevada. Estefania Torres Paez present as counsel for plaintiff District of Columbia. Nicole Gordon present as counsel for plaintiff State of California. Byron Warren present as counsel for plaintiff State of Maryland. Jayme Weber present as counsel for plaintiff State of Arizona. Matthew Wolf, B. John Casey, Sonia Pfaffenroth, Christian Schultz, Joshua Davis, Mark Perry, Bambo Obaro, and Luna Barrington present as counsel for defendant Kroger Company. Enu Mainigi, David Angeli, Beth Stewart, Joshua Podall, Jonathan Pitt, and Mike Cowie present as counsel for defendant Albertsons Companies, Inc. Court Reporters: Jill Jessup and Dennis Apodaca. Judge Adrienne Nelson presiding. (joha) (Entered: 08/27/2024)
08/27/2024	414	Unopposed Motion <i>Permit Remote Testimony</i> . Expedited Hearing requested. Filed by Amazon.com, Inc.. (Gilman, Alexis) (Entered: 08/27/2024)
08/27/2024	415	Declaration of Sonya Gafsi Oblisk . Filed by Amazon.com, Inc.. (Related document(s): Motion - Miscellaneous 414 .) (Gilman, Alexis) (Entered: 08/27/2024)
08/27/2024	416	Notice of Correction by Clerk regarding 334 Exhibits (FILED UNDER SEAL). A Clerical error has been discovered in the case record: The filing was missing a case caption cover page. The following corrections were made to the record: A corrected PDF has been uploaded to replace the incorrect one. The Notice of Electronic Filing (NEF) will be regenerated to all parties. (cw) (Entered: 08/27/2024)
08/27/2024	417	Notice <i>Supplemental Statement Regarding Sealed Exhibits</i> Filed by Amazon.com, Inc.. (Gilman, Alexis) (Entered: 08/27/2024)



Prepared For
STEPHEN E PAUL
SULLIVAN & CROMWELL

Account Number
XXXX-XXXXXX2-31009

Closing Date
09/04/24

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Activity

Date reflects either transaction or posting date

Card Number XXXX-XXXXXX2-31009			Reference Code	Amount \$
08/24/24	COURTS/USDC-OR 00000 PORTLAND OR 999999942 BORDC-9547310 97204 08/23/24 Filing Fees ROC NUMBER 9999999423700020		99999994237	300.00
08/24/24	COURTS/USDC-OR 00000 PORTLAND OR 999999942 AORDC-9547320 97204 08/23/24 Filing Fees ROC NUMBER 9999999423700020		99999994237	300.00
Total for STEPHEN E PAUL			New Charges/Other Debits Payments/Other Credits	1,631.36 -849.17